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Attorneys for Plaintiffs
Virginia Pellegrini and
Virginia Pellegrini, Trustee of the
Mario and Virginia E. Pellegrini Trust

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Virginia Pellegrini, Trustee of the Mario J.
and Virginia E. Pellegrini Trust, and
Virginia Pellegrini, and individual,

Plaintiff,

vs.

Technichem, Inc., a California corporation,
et al., et al.,

Defendants.

Case no. 07-CV-02497-CRB

**JOINT EX PARTE APPLICATION FOR
ORDER EXTENDING TIME FOR ALL
DEFENDANTS TO FILE RESPONSES
TO AMENDED COMPLAINT PENDING
HEARING OF JOINT MOTION TO
STAY PROCEEDINGS; [Proposed]
ORDER**

App. Presentation date: June 20, 2008

Time: 10:00 a.m.

Court: Hon. Charles Brewer

Courtroom 8

Trial date: October 6, 2008

EX PARTE APPLICATION

Plaintiff Virginia Pellegrini, individually and in her capacity as trustee, and defendants
Technichem, Inc. and affiliated defendants Mark J. Ng and Stephen S. Tung, who together are all of the
parties who have appeared in this case, by and through their undersigned counsel below hereby apply ex

EX PARTE APPLICATION FOR ORDER EXTENDING TIME FOR ALL DEFENDANTS TO FILE RESPONSES....

Case no. 07-CV-02497-CRB

1 parte for an order that: time for all defendants to file responses to plaintiffs' amended complaint shall be
 2 extended until after the Court has ruled on those parties' joint motion to stay these proceedings.

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 4 **STIPULATED BASIS FOR THE APPLICATION**

5 Applicants have filed a joint motion to stay proceedings in this action so that litigation may
 6 proceed without wasteful overlap in a pending Alameda County Superior Court case involving the same
 7 issue. It is the only forum in which all interested parties can be joined and the matter completely
 8 resolved without piecemeal and parallel litigations in both courts.

9 The motion has been set for July 25, 2008, the earliest available date. Meanwhile, unless the
 10 Court orders otherwise, before then many parties - including newly served parties - must file responses
 11 to plaintiffs' first amended complaint. Of these, many already have been granted extensions of time to
 12 respond.

13 To avoid the substantial burden, cost and expense not just to applicants but to all concerned -
 14 particularly the new defendants, all of whom will be excused from appearance and further participation
 15 in this case if the motion is granted, but also the Court, who will spared review, processing and
 16 consideration of numerous otherwise unnecessary stipulations, answers and other filings.

17 No other parties have appeared in this case. The interests of no persons will be compromised by
 18 extending time in such a reasonable fashion. Applicants therefore request that the requested order issue
 19 immediately, ex parte.

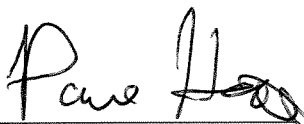
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 21 Ballard Law Office
 22 Lamphere Law Office

23 

24 By: Benjamin H. Ballard

25 Attorneys for Plaintiffs

Gordon & Rees LLP

26 

27 By: Paul A. Henreid

28 Attorneys for Defendants Technichem, Inc..
 Mark J. Ng and Stephen S. Tung

[PROPOSED ORDER FOLLOWS NEXT PAGE]

EX PARTE APPLICATION FOR ORDER EXTENDING TIME FOR ALL DEFENDANTS TO FILE RESPONSES....

Case no. 07-CV-02497-CRB

ORDER

Good cause appearing therefore, on stipulation of the parties, who are the only parties who have appeared in this action, it is ORDERED that time for all defendants to file responses to plaintiffs' amended complaint shall be extended until after the Court has ruled on those parties' joint motion to stay these proceedings set for hearing on July 25, 2008.

Date: June ____, 2008

Charles Breyer,
United States District Court Judge

PROOF OF SERVICE

I, Benjamin H. Ballard, hereby declare:

I am employed in the County of Marin, State of California; I am over the age of eighteen and not a party to the within action; my business address is 1606 Juanita Lane, Ste. C, Tiburon CA 94920.

On the date listed below, I served the following document(s):

EX PART APPLICATION FOR ORDER EXTENDING TIME FOR ALL
DEFENDANTS TO FILE RESPONSE TO AMENDED COMPLAINT PENDING
HEARING OF JOINT MOTION TO STAY PROCEEDINGS; [Proposed] ORDER

on all the parties in this action and/or the following persons at the addresses shown:

Brian M. Ledger
Paul A. Henreid
Gordon & Rees LLP
101 West Broadway
Suite 1600
San Diego, CA 92101
Attorneys for Defendants Technichem Inc.,
Mark J. Ng/ and Stephen S. Tung

x (e-filing) I electronically filed the documents with the United States District Court, Northern District of California through CM/ECF (E-file).

(personal service): I caused envelopes addressed to them containing the documents to be delivered by hand to them.

(overnight delivery) I caused envelopes addressed to them containing the documents to be deposited at Tiburon, California with shipping charges prepaid for overnight delivery by Federal Express or other, equivalent overnight delivery service.

(mail) I caused envelopes addressed to them to be deposited with postage prepaid in the U.S. Mail at Tiburon, California.

(email) I emailed the documents to them at the email addresses shown.

(fax) I faxed the documents to them at the fax numbers shown

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on at Tiburon, California on June 19, 2008

/s/ Benjamin H. Ballard